

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, September 20, 2021, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 21-08 (Office of Planning - Text Amendment to Subtitle G to Create Housing-Focused Mixed-Use Zones)

THIS CASE IS OF INTEREST TO ALL ANCs

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

On May 14, 2021, the Office of Planning (“OP”) filed a petition (the “Petition”) to the Zoning Commission (the “Commission”) proposing the following amendments to the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references herein refer unless otherwise specified):

- Subtitle G, Mixed-Use (MU) Zones - §§ 400, 402, 403, & 404.

OP proposed the text amendment to create a series of housing-focused mixed-use zones (the MU-6A, MU-7A, MU-8A, and MU-9A zones) based on the existing medium-density mixed-use zones (renamed as the MU-6B, MU-7B, MU-8B, and MU-9B zones). Whereas the current zones increase the maximum non-residential density in concert with the increased maximum overall FAR as the zone transition from moderate- to medium- to high-density, the new zones would all have a maximum non-residential density of 1.0 FAR regardless of the maximum overall FAR. This would encourage more residential use in these proposed housing-focused MU zones, which could be applied to encourage housing in areas where it is a priority or where IZ Plus is applied. The new zones would have the same development standards (height, yards, lot occupancy green area ratio, etc.) as the existing zones.

At its May 27, 2021 public meeting, the Commission voted to grant OP's request to set down the Petition for a public hearing and authorized flexibility for OP to work with the Office of the Attorney General to refine the proposed text and add any conforming language as necessary.

The complete record in the case can be viewed online at the Office of Zoning's Interactive Zoning Information System (IZIS), at <https://app.dcoz.dc.gov/Content/Search/Search.aspx>.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in ~~bold and strikethrough~~ text; new text is shown in **bold and underline** text).

The proposed amendments to the text of the Zoning Regulations are as follows (text to be deleted is marked in bold and strikethrough text; new text is shown in bold and underline text):

Proposed Amendments to Subtitle G, MIXED-USE (MU) ZONES

Subsections 400.5 through 400.8 of § 400, PURPOSE AND INTENT, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, are proposed to be amended, to read as follows:

400.5 The MU-6 ~~zone is~~ **zones are** intended to:

- (a) Permit medium- to high-density mixed-use development with a focus on residential use; and
- (b) Provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core.

400.6 The MU-7 ~~zone is~~ **zones are** intended to:

- (a) Permit medium-density mixed-use development; and
- (b) Be located on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.7 The MU-8 ~~zone is~~ **zones are** intended to:

- (a) Permit medium-density mixed-use development with a focus on employment;
- (b) Be located in uptown locations, where a large component of development will be office-retail and other non-residential uses; and
- (c) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

400.8 The MU-9 ~~zone is~~ **zones are** intended to:

- (a) Permit high-density mixed-use development including office, retail, and housing, with a focus on employment; and
- (b) Be located in or near the Central Employment Area, on arterial streets, in uptown and regional centers, and at rapid transit stops.

Subsection 402.1 of § 402, DENSITY – FLOOR AREA RATION (FAR), of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended, to read as follows:

402.1 The maximum permitted FAR in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 402.1: MAXIMUM FLOOR AREA RATIO (FAR)

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3A	1.0	1.0
	1.2 (IZ)	
MU-3B	2.0	1.5
	2.4 (IZ)	
MU-4	2.5	1.5
	3.0 (IZ)	
MU-5-A MU-5-B	3.5	1.5
	4.2 (IZ)	
MU-6A	<u>6.0</u>	<u>1.0</u>
	<u>7.2 (IZ)</u>	
<u>MU-6B</u>	6.0	2.0
	7.2 (IZ)	
MU-7A	<u>4.0</u>	<u>1.0</u>
	<u>4.8 (IZ)</u>	
<u>MU-7B</u>	4.0	2.5
	4.8 (IZ)	
MU-8A	<u>5.0</u>	<u>1.0</u>
	<u>6.0 (IZ)</u>	
<u>MU-8B</u>	5.0	4.0
	6.0 (IZ)	
MU-9A	<u>6.5</u>	<u>1.0</u>
	<u>7.8 (IZ)</u>	
<u>MU-9B</u>	6.5	6.5
	7.8 (IZ)	
MU-10	6.0	3.0
	7.2 (IZ)	

Subsections 403.1 and 403.3 of § 403, HEIGHT, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, are proposed to be amended, to read as follows:

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3A	4	3

Zone	Maximum Height (Feet)	Maximum Stories
MU-3B	50	4
MU-4	50	N/A
MU-5-A	65 70 (IZ)	N/A
MU-5-B	75	N/A
MU-6A MU-6B	90 100 (IZ)	N/A
MU-7A MU-7B	65	N/A
MU-8A MU-8B	70	N/A
MU-9A MU-9B MU-10	90 100 (IZ)	N/A
MU-30	110	N/A

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3A MU-3B MU-4	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7A MU-7B	12 ft. except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8A MU-8B	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6A MU-6B MU-9A MU-9B MU-10 MU-30	20 ft.	1; Second story permitted for penthouse mechanical space

Subsection 404.1 of § 404, LOT OCCUPANCY, of Chapter 4, MIXED-USE ZONES – MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30, of Subtitle G, MIXED-USE (MU) ZONES, is proposed to be amended, to read as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3A	60%

Zone	Maximum Lot Occupancy for Residential Use
MU-3B	
MU-4	60% 75% (IZ)
MU-5-A MU-5-B	80%
MU-6A MU-6B MU-7A MU-7B	75% 80% (IZ)
MU-8A MU-8B MU-9A MU-9B	N/A
MU-10	75% 80% (IZ)
MU-30	N/Z

This public hearing will be conducted in accordance with the rulemaking provisions of Subtitle Z, Chapter 5, of the Zoning Regulations as well as the text adopted by the Commission on October 15, 2020, in Z.C. Case No. 20-11, as published in the Notice of Final Rulemaking published in the D.C. Register on October 30, 2020.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Ron Barron at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

1. Organizations 5 minutes each
2. Individuals 3 minutes each

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ron Barron at (202) 727-0789 for further assistance.

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, PETER A. SHAPIRO, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ከስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ከስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡት በነጻ ነው።